

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. SERIAL NO.: 10/9634,766

Atty. Docket No.: Q76546

AMENDMENTS TO THE DRAWINGS

Please find attached annotated drawing sheets, Figs. 1-3.

Attachment: Annotated Sheet(s)

REMARKS

As a preliminary matter, claims 1 and 3-15 are objected to based on the reasons set forth on page 2 of the present Office Action. Applicant amends claims 1, 14, and 15, as indicated herein, and Applicant believes that the Examiner's objections to claims 1 and 3-15 are obviated.

Also, the drawings are objected to based on the reasons set forth on page 2 of the present Office Action. Applicant amends Figs. 1-3 to include the legend Prior Art, and Applicant believes that the Examiner's objections to the drawings are obviated.

Claims 1-39 are all the claims pending in the present application. In summary, the Examiner maintains most of the same rejections set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. Specifically, claims 1-7, 14-22 and 29-33 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Molno (U.S. Publication Application No. 2001/0030949). Claims 8-13, 23-28 and 34-39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Molno in view of Hautamaki (U.S. Patent Application Publication No. 2001/0038614), and further in view of Ramjee (U.S. Patent No. 6,842,462).

§ 102(e) Rejections (Molno) - Claims 1-7, 14-22 and 29-33

In the *Response to Arguments* section of the present Office Action, the Examiner alleges:

Applicant argues that Molno does not teach a specific resource allocation and sending a specific resource request. Applicant is respectfully directed to the specific that user dedicated control channels are allocated on an available radio channel resource for control signaling in packet data transfer mode in a packet

communication system. More particularly, resources are allocated in the uplink direction from a mobile station to a base station such that a mobile station inherently send control information (i.e. Coding schemes, modulation schemes, specific/ different bit rate, EGPRS mode or GPRS mode, etc.), e.g., measurement reports, to the base station in a data communication session. Additionally, resources are allocated in the downlink direction from a base station to a mobile station such that a base station may send control information, e.g., system specific information, to the mobile in a data communication session (see Molno e.g. pgs. 1-2, [0014]) to support control signaling during packet data transfer mode in an GPRS/EGPRS system ongoing data flow. In circuit switched GSM, additional transmission resources are defined for a Slow Associated Control Channel, (SACCH), such that transmission of control information associated with a traffic channel (TCH) (see e.g. Molno pg. 1, [0012]). Therefore, the specific resource allocations are inherently based on for example a different packet or circuit switch mode, specific modulation or coding schemes higher or lower data rate, that are suitable for GPRS / EGPRS mode (see Molno e.g. pg. 1, [0004]-[000]). Further, Applicant's arguments do not comply with 37 C.F.R. §1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not clearly show how the amendments avoid such references or objections. Further more, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. a specific resource allocation and sending a specific resource request) are not recited in independent rejected claims 1-2, 14-17 (see e.g. pg. 6, line 15, pg. 7, lines 16-19 and entire pg. 4 of Specification). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the previous rejection is maintained per following.

In response, first, Applicant maintains that, even if, *arguendo*, Molno discloses that resources are allocated in the uplink direction from a mobile station to a base station, and that resources are allocated in a downlink direction from a base station to a mobile station, there is

still no disclosure or suggestion in Molno that a mobile station sends to the network a packet mode resource request.¹ This much was pointed out on pg. 10 of the previous Amendment.

Further, Molno (contrary to the present invention) is not concerned with the sending of a packet mode resource request by the mobile station to the network.

Molno is not concerned with the technical problem recognized by the present invention in relation with such sending of a packet mode request, as explained in particular at page 8 line 17 to page 13 line 5 of the present application, i.e. (briefly) when the mobile station sends to the network one of different packet mode resource requests, said different packet mode resource requests corresponding to different transfer modes supported by said mobile station, and said one of different packet mode resource requests being chosen according to the requirements of said mobile station at the time of sending said packet mode resource request.

Molno, therefore, does not (and cannot) disclose or suggest the solution to this technical problem. The technical problem addressed by Molno (which is therefore very different of the technical problem addressed by the present application) is the one explained in particular at page 1 of Molno (in particular section 0010 and lines 11-14 of section 0012).

Yet further, in response to the Examiner's statements in the Response to Arguments section of the Office Action, Applicant submits that, even if, *arguendo*, resources are allocated in Molno, Molno (contrary to the present invention) is not concerned with the allocation mechanism in itself, in particular the sending of a resource request.

¹ Claim 1 is amended, as indicated herein, for clarification purposes.

At least because the above-quoted feature does not appear to be satisfied by Molno, Applicant maintains that Molno does not anticipate independent claim 1.

Applicant submits that Molno does not anticipate claim 2 at least based on reasons similar to those set forth above with respect to claim 1.

Applicant submits that claims 14-17 are patentable at least based on reasons similar to those set forth above with respect to claims 1 and 2.

Applicant submits that dependent claims 3-7, 18-22, and 29-33 are patentable at least by virtue of their indirect or direct dependencies from independent claims 1 and 16.

§ 103(a) Rejections (Molno / Hautamaki / Ramjee) - Claims 8-13, 23-28, and 34-39

Applicant submits that dependent claims 8-13, 23-28, and 34-39 are patentable at least by virtue of their respective dependencies. Neither Hautamaki nor Ramjee makes up for the deficiencies of Molno.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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